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Security Council Committee established pursuant to resolution 1718 (2006)

Note verbale dated 13 November 2009 from the Permanent Mission of Ireland to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Ireland to the United Nations presents its compliments to the Chairman of the Committee and, in accordance with paragraph 22 of Security Council resolution 1874 (2009) and in response to the note verbale dated 29 June 2009, has the honour to enclose herewith Ireland's Report on Domestic Implementation of United Nations Security Council Resolutions 1718 (2006) and 1874 (2009) (see annex).

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Annex to the note verbale dated 13 November 2009 from the Permanent Mission of Ireland to the United Nations addressed to the Chairman of the Committee

Report on Domestic Implementation of United Nations Security Council resolutions 1718 and 1874

Ireland and the other Member States of the European Union (EU) have jointly implemented the restrictive measures against the Democratic People's Republic of Korea (DPRK) imposed by Security Council resolutions 1718 (2006) and 1874 (2009) by taking the following common measures:[1]

- Council Common Position 2006/795/CFSP of 20 November 2006,[2] as amended by Council Common Position 2009/573/CFSP of 27 July 2009.[3]

  The Common Position sets out the EU's commitment to implementation of all the measures contained in United Nations Security Council resolutions 1718 (2006) and 1874 (2009), and provides the basis for EU-specific implementing measures within the scope of the resolutions, notably:

  – complete arms embargo;

  – export ban on certain other items, in addition to those determined by the Sanctions Committee, which could contribute to DPRK's nuclear-related, ballistic missile-related or other weapons of mass destruction-related programmes;

  – listing, to be decided by the Council of the EU, of persons and entities subject to visa ban and asset freeze, either by reason of their promotion or support of DPRK's programmes as mentioned above or because they provide financial services or other resources that could contribute to those programmes;

  – enhanced monitoring over the activities of financial institutions within the jurisdiction of EU Member States with certain banks and financial entities linked to the DPRK;

  – additional information requirements for aircraft and vessels transporting cargo to and from the DPRK.

  On 4 August 2009, the EU adopted Council Decision 2009/599/CFSP implementing Common Position 2006/795/CFSP and establishing, for the purpose of the visa ban and the asset freeze, the list of persons and entities in accordance with determinations made by the Sanctions Committee on 24 April and 16 July 2009.

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[1] All common measures are published in the Official Journal of the European Union, which can be consulted through the following web pages: http://eur-lex.europa.eu/JOIndex.do?ilunlang=en (published issues) and http://eur-lex.europa.eu/RECH_menu.do?ihmlang=en (search form).

[2] Official Journal of the European Union L 322, 22.11.2006, p. 32.

[3] Official Journal of the European Union L 197, 29.7.2009, p. 111.

- Council Regulation (EC) No. 329/2007 of 27 March 2007,[4] as amended by Commission Regulation (EC) No. 117/2008 of 28 January 2008,[5] Commission Regulation (EC) No. 389/2009 of 12 May 2009[6] and Commission Regulation (EC) No. 689/2009 of 29 July 2009.[7]

  The Council Regulation implements in the European Community the ban on exports of goods and technology which could contribute to DPRK's nuclear-related, ballistic missile-related or other weapons of mass destruction-related programmes and on the provision of related services, the ban on procurement of goods and technology from the DPRK, the ban on export of luxury goods to the DPRK, as well as the freezing of funds and economic resources of persons, entities and bodies engaged in or providing support for the said DPRK programmes as designated by the Sanctions Committee and the prohibition of making funds or economic resources available to such persons or entities, with certain exemptions as provided for in United Nations Security Council resolution 1718 (2006).

  The Commission Regulation No. 117/2008 amends the Council Regulation by including the list of goods and technology subject to the export and import ban (other than luxury goods) as set out in Annex I of the Council Regulation in accordance with determinations made by the Sanctions Committee.

  The Commission Regulation No. 389/2009 amends the Council Regulation by including the entities designated by the Sanctions Committee on 24 April 2009 in the list of persons, entities and bodies subject to the asset freeze as set out in Annex IV to the Council Regulation.

  The Commission Regulation No. 689/2009 amends the Council Regulation by including goods in Annex I and persons and entities in Annex IV to the Council Regulation in accordance with determinations made by the Sanctions Committee on 16 July 2009.

The above-mentioned Council Regulations are binding in their entirety and directly applicable in all Member States of the European Union. Regulation (EC) No. 329/2007 requires Member States to determine the penalties applicable to infringements of their provisions. In Ireland the European Communities Act (1972) and the Financial Transfers Act (1992) enable domestic regulations giving full effect to the financial aspects of the above-mentioned Council Regulations; i.e. restrictions on the provision of financial assistance and asset-freezing. The Financial Transfers Act 1992 provides for penalties up to €10,000,000 or twice the amount of the capital in respect of which the offence was committed, whichever is the greater or, to a term of imprisonment not exceeding ten years, or to both. The European Communities Act 1972 provides for penalties up to €500,000 and to a term of imprisonment not greater than 3 years, in which case the penalties are stipulated in the domestic regulations.

[4] Official Journal of the European Union L 88, 29.3.2007, p. 1.
[5] Official Journal of the European Union L 35, 9.2.2008, p. 57.
[6] Official Journal of the European Union L 118, 13.5.2009, p. 78.
[7] Official Journal of the European Union L 199, 31.7.2009, p. 3.

The Control of Exports Act 2008 governs the export of military and dual-use goods from Ireland. Together with Common Position 2006/795/CFSP this provides the basis for enforcement of the arms embargo against the DPRK.